

**ASSEMBLY BILL**

**No. 554**

**Introduced by Assembly Member Karnette**

February 16, 2005

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An act to amend Sections 12022.3 and 12022.8, relating to assault.

LEGISLATIVE COUNSEL'S DIGEST

AB 554, as introduced, Karnette. Assault: sentence enhancements.

Existing law provides for a 3-, 4-, or 10-year sentence enhancement if a person commits or attempts to commit one of specified offenses and uses a firearm in the commission of the offense. Existing law provides for a 1-, 2-, or 5-year enhancement if a person commits or attempts to commit one of these offenses and is armed with a firearm.

Existing law provides for a 5-year sentence enhancement if a person inflicts great bodily injury, as defined, on any victim in the commission or attempted commission of specified offenses.

This bill would add the commission of assault with intent to commit specified other crimes to the offenses to which these sentence enhancements apply.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12022.3 of the Penal Code is amended
- 2 to read:
- 3 12022.3. For each violation *of Section 220, or for each*
- 4 *violation* or attempted violation of Section 261, 262, 264.1, 286,
- 5 288, 288a, or 289, and in addition to the sentence provided, any
- 6 person shall receive the following:

1 (a) A 3-, 4-, or 10-year enhancement if the person uses a  
2 firearm or a deadly weapon in the commission of the violation.

3 (b) A one-, two-, or five-year enhancement if the person is  
4 armed with a firearm or a deadly weapon. The court shall order  
5 the middle term unless there are circumstances in aggravation or  
6 mitigation. The court shall state the reasons for its enhancement  
7 choice on the record at the time of the sentence.

8 SEC. 2. Section 12022.8 of the Penal Code is amended to  
9 read:

10 12022.8. Any person who inflicts great bodily injury, as  
11 defined in Section 12022.7, on any victim in a violation *of*  
12 *Section 220, or a violation* or attempted violation of paragraph  
13 (2), (3), or (6) of subdivision (a) of Section 261, paragraph (1) or  
14 (4) of subdivision (a) of Section 262, Section 264.1, subdivision  
15 (b) of Section 288, subdivision (a) of Section 289, or sodomy or  
16 oral copulation by force, violence, duress, menace, or fear of  
17 immediate and unlawful bodily injury on the victim or another  
18 person as provided in Section 286 or 288a shall receive a  
19 five-year enhancement for each such violation in addition to the  
20 sentence provided for the felony conviction.